

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 02-7264**

---

In Re: KENARD E. JOHNSON,

Petitioner.

---

On Petition for Writ of Mandamus. (CA-02-189)

---

Submitted: September 19, 2002

Decided: October 2, 2002

---

Before WILKINS, LUTTIG, and TRAXLER, Circuit Judges.

---

Petition denied by unpublished per curiam opinion.

---

Kenard E. Johnson, Petitioner Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Kenard E. Johnson filed a petition for a writ of mandamus alleging undue delay in the district court. Johnson filed a habeas corpus petition pursuant to 28 U.S.C. § 2241 (West 2000) on March 5, 2002. The action was referred to a magistrate judge on the same day.

The writ of mandamus is a drastic remedy and should only be granted in those extraordinary situations when no other remedy is available. In re: Beard, 811 F.2d 818, 826 (4th Cir. 1987). Because the matter has been pending before a magistrate judge for just over six months, we find that there has been no undue delay in processing Johnson's petition. We therefore deny the petition for mandamus relief without prejudice to Johnson's right to refile if the district court does not act expeditiously. We grant Johnson's motion to proceed in forma pauperis in this court.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED